

### **REMARKS**

This Amendment is filed in response to the Office Action dated April 11, 2003. At that time, claims 1-47 were pending in the application. In the Office Action, the Examiner objected to the drawings due to minor informalities and under 37 CFR 1.83(a). Applicant acknowledges the Examiner's informal amendment of the specification for grammatical purposes. The Examiner rejected claims 6-11, 21, 23-28, 30, 33-34, 36, and 42-43 under 35 U.S.C. §112, second paragraph. The Examiner rejected claims 1-2 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,480,853 to Ando et al. (hereinafter "Ando"). In addition, claims 1, 12-14 and 22-24 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,096,224 to Murakami et al. (hereinafter "Murakami"). Claims 1 and 3-11 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,113,146 to Mautsch et al. (hereinafter "Mautsch"). Claims 25, 31-33 and 37-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murakami in view of Mautsch.

Claims 46-47 were allowed. The Examiner indicated that claims 15-20, 40-41 and 44-45 would be allowable if rewritten in independent form including all intervening limitations. The Examiner also indicated that claims 21, 26-30, 34-36 and 42-43 would be allowable if written to overcome the rejection under 35 U.S.C. §112, second paragraph, and rewritten in independent form including all intervening limitations.

By this paper, claims 1, 2, 5, 7, 10, 13-15, 18, and 23 have been amended. Claim 12 has been canceled. Claims 48-51 have been added. The paragraphs beginning at page 9, line 15, page 13, line 12, and page 14, line 4, in the specification have been amended. Substitute drawings have been submitted. Accordingly, claims 1-51 are presented for reconsideration by the Examiner.

### **AMENDMENT TO THE SPECIFICATION**

The specification has been amended to correctly designate reference characters with the drawings. The paragraph beginning at page 9, line 15, was amended to recite that the outer surface 44, not the inner surface 42, of the bushing 40 loosely engages the opening 38. The paragraph beginning at page 13, line 12, was amended to designate a reference character for the one or more protrusions 149 which were shown on the drawings, as well as the inner surface 142 of the male member 148. The paragraphs beginning at page 14, line 4, were amended to correct the references designating an inflatable curtain. The paragraphs have been amended to designate the inflatable curtain by the reference character "210." These amendments present no new matter.

### **AMENDMENT TO THE DRAWINGS**

Replacement figures have been presented which incorporate the following changes:

Figure 1: The lead line for reference numeral 42 now points to the inner surface of the bushing 40.

Figure 3: The figure has been changed to designate the locking tabs with the reference numeral 126, consistent with the specification (page 12, line 4). The reference numeral 149 was also added with an accompanying lead line pointing to the one or more protrusions which extend from the inner surface 142 of the male member 148 of the bushing 140.

Figure 5: The figure has been changed to designate the inflatable curtain as reference numeral 210. Furthermore, the lead line for reference numeral 238 was changed to point to the opening of the first attachment plate 224. The lead line for reference numeral 213 was also changed to point to the first edge of the inflatable curtain 210. The reference numeral 240 was added with its accompanying lead line pointing to the bushing as recited in the specification (page 15, line 2). Finally, the lead line for reference numeral 244 was changed to point to the

outer surface of the bushing 240.

The Examiner objected to the drawing of Figure 5, in that the reference numeral 211 is incorrect (*see* Office Action page 2, paragraph h). However, Applicants submit the reference numeral 211 is correct as shown in Figure 5. In the specification, reference numeral 211 is defined as the mounting bracket (page 15, line 13). Figure 5 shows a side cut-away view of the airbag system including the attachment plates (224, 230) of the mounting bracket 211 on either side of the fastener 258. The attachment plates (224, 230) engage the opposing surfaces 216 and 218 of the inflatable curtain 210. The Examiner suggested that reference numeral 212 should replace 211 on Figure 5. However, reference numeral 212, as shown on Figure 4 and in the specification (page 14, line 7) refers to the brackets used to secure the inflator 202 to the interior of the vehicle.

The Examiner further objected to the drawings under 37 CFR 1.83(a), in that the drawings do not show the fastener attached to the inner surface of the bushing as recited in claims 20 and 29. However, Figures 2 and 5 show this feature. In Figure 2 the fastener 58 is shown attached to the inner surface 42 of the bushing 40. As Figure 2 is a side cross sectional view of the mounting bracket, the inner surface 42 of the bushing 40 surrounds the fastener 58 such that it is shown on either side of the fastener 58 in Figure 2. In Figure 2, the threads 60 of the fastener 58 are shown attached to the inner surface 42 of the bushing 40.

Figure 5 shows a similar configuration as shown in Figure 2, where the inner surface 242 of the bushing 240 is shown attached to the fastener 258. Once again, the inner surface 242 of the bushing 240 is shown on either side of the fastener 258 since Figure 5 is a side cut-away view of the airbag system. The threads 260 of the fastener are shown attached to the inner surface 242 of the bushing 240. Consequently, Applicants submit that the changes made to the drawings should satisfy Examiner's objections and respectfully request that Examiner's objections be withdrawn.

**REJECTION OF CLAIMS 6-11, 21, 23-28, 30, 33-34, 36, AND 42-43 UNDER 35 U.S.C.**

**§112, SECOND PARAGRAPH**

The Examiner rejected claims 6-11, 21, 23-28, 30, 33-34, 36, and 42-43 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. *See* Office Action page 4.

In paragraph 5(a) the Examiner rejected claim 6 as inaccurate in reciting the bushing being a first piece rotatably engaged to a second piece. However, in referring to Figure 3, the specification (page 13, lines 6-7) recites that “the male member 148 may be freely rotatable within the female member 150.” The “first piece” of claim 6 could correspond to the female member 150 and the “second piece” of claim 6 could correspond to the male member 148. The feature of this particular embodiment allows for the female member 150 of the bushing 140 to be attached to the attachment plates 124, 130, while still preventing torque from a fastener from being transferred to the bracket 110.

Furthermore, claim 7 is accurate in reciting a first piece attached to the attachment plate. Page 13, lines 7-10, of the specification recite, “the female member 150 may engage or be *attached to one or more attachment plates 124, 130...*” (emphasis added). If the female member 150 is attached to an attachment plate, while the male member 148 is rotatably engaged to the female member 150, then the torque from a fastener would not be transferred to the bracket 110.

In paragraphs 5(b, f, and g) the Examiner rejected claims 8, 33, and 42, respectively, as inaccurate in reciting a fastener attached to a second piece (or inner surface of the bushing). However, claims 8, 33, and 42 are accurate in reciting a fastener attached to a second piece or inner surface of the bushing. Page 11, lines 3-7, of the specification recite: “In one embodiment, the fastener 58 is affixed or attached to the inner surface 42 of the bushing 40. This can be accomplished by press fitting, swage fitting, or other frictional coupling, or by bonding, welding

or the like. In one embodiment, the fastener 58 and bushing 40 may be molded into one integral piece.” Furthermore, on page 13, lines 12-14, of the specification recite: “As in the embodiment discussed above, the male member 148 may include one or more protrusions (not shown) which extend from the inner surface to facilitate the attachment of a fastener to the bushing 140.” (Note this quote is the original language. An amendment has been proposed to this sentence in the specification, but the amendment is irrelevant for our discussion here). As is evident from the quoted language above, the specification gives ample support for the rejected claim language reciting a fastener being attached to a second piece and a fastener attached to the inner surface of the bushing.

In paragraph 5(c), the Examiner rejected claim 9 because it is not clear what is meant by a “snap.” The requirement that the claims particularly point out and distinctly define the metes and bounds of the subject matter which applicant regards as the invention is evaluated objectively, from the hypothetical person possessing ordinary skill in the art. MPEP §2171. A person with ordinary skill in the art would know what is meant by a snap. Nevertheless, page 12, lines 18-22, of the specification recites that the bushing comprises a snap: “In the illustrated embodiment, the bushing 140 is a snap having a male member 148 and a female member 150. The male member 148 snaps within the female member 150 about the opening 138 and is retained there by the flanges 146 which are positioned on opposite sides of the opening 138 in the first attachment plate 124.” This description provides adequate basis for the claim language using the term “snap.” Consequently, the scope of the claim is clear and unambiguous to one possessing ordinary skill in the pertinent art.

In paragraph 5(d), the Examiner rejected claims 21, 30, 36 and 43 because it is not clear if the invention is a bracket or the combination of a bracket and fastener because the preamble of the claims recite, “The mounting bracket of claim...” Interestingly, in rejecting claims under 35 U.S.C. §102(b) (including claim 21), the Examiner took the position that the statement of intended use in the preamble was not limiting. See Office Action pages 5-7. Although the

preamble refers to a mounting bracket, the preamble “merely states a purpose or intended use and the remainder of the claim completely defines the invention.” *Marston v. J.C. Penny Co.*, 353 F.2d 976, 986, 148 USPQ 25, 33 (4th Cir. 1965). Since the remainder of the claim (including the limitations of the base claim and intervening claims) recites enough structure to define the invention, the preamble cannot prevent the additional limitation of a fastener under §112, second paragraph.

In paragraph 5(e), the Examiner rejected claim 23 because it was not clear which “attachment plate” is meant (as claim 22 recited a pair of attachment plates). By this paper, claim 23 has been amended to address this issue.

Additionally, Claims 2, 5, 7, and 10 have been amended to give proper antecedent basis to amended claim 1. Claims 13-15 and 18 have been amended to depend on amended claim 1 instead of cancelled claim 12. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

#### **REJECTION OF CLAIMS 1-2 UNDER 35 U.S.C. §102(b)**

The Examiner rejected claims 1-2 under 35 U.S.C. §102(b) as being anticipated by Ando. See Office Action page 5. The Applicants respectfully traverse this rejection.

It is well settled that a claim is anticipated under 35 U.S.C. § 102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that the rejected claims, as amended, are not anticipated by Ando because the anticipation definition is not met.

As a result of this paper, claims 1-2 of the present invention recite the mounting bracket

having a pair of attachment plates for engaging an inflatable curtain. The device disclosed in Ando is a seatbelt support device. *See* column 2, lines 8-10. Ando does not disclose that the plate-shaped core member can engage an inflatable curtain. The limitations of a pair of attachment plates engaging an inflatable curtain presents limitations not disclosed in Ando. The plate-shaped core member disclosed in Ando cannot engage an inflatable curtain because it has a webbing insert slot 50 (*see* column 3, lines 21-24), not a pair of attachment plates.

Furthermore, the limitation that the mounting bracket includes a pair of attachment plates for engaging opposing surfaces of an inflatable curtain is not taught or disclosed by Ando. Ando discloses a "plate-shaped core member" 43. *See* column 3, lines 12 and 21. There is only one plate-shaped core member disclosed in Ando. Since the plate-shaped core member is not referred to in the plural it could not be construed as disclosing a *pair* of attachment plates. Therefore, Ando does not anticipate these claims under §102(b). Withdrawal of this rejection is respectfully requested.

**REJECTION OF CLAIMS 1 AND 3-11 UNDER 35 U.S.C. §102(e)**

The Examiner rejected claims 1 and 3-11 under §102(e) as being anticipated by Mautsch. *See* Office Action page 5. The Applicants respectfully traverse this rejection.

As noted above, anticipation under §102 requires that each and every claim limitation be disclosed by the prior art reference. *See* MPEP §2131. As a result of this paper, claims 1 and 3-11 include the limitation that the mounting bracket has a pair of attachment plates for engaging an inflatable curtain. However, the device disclosed in Mautsch is a roller guide for a safety belt. *See* column 2, lines 7-8. Mautsch does not disclose that the holder 10 can engage an inflatable curtain. Rather, Mautsch discloses a cut out 11 in the central region of the holder 10, which cannot engage an inflatable curtain like a pair of attachment plates. *See* Figure 1, column 2, lines 9-13.

Furthermore, the limitation that the mounting bracket includes a pair of attachment plates for engaging opposing surfaces of an inflatable curtain is not taught or disclosed by Mautsch. Mautsch discloses a singular metal holder 10. *See e.g.*, column 2, lines 8, 9, 14, 15, 19 and 25. Nowhere is more than one holder referred to in the specification, so it could not be construed as disclosing a pair of attachment plates. Therefore, Mautsch does not anticipate under §102(e). The Applicants respectfully request that this rejection be withdrawn.

**REJECTION OF CLAIMS 1, 12-14 AND 22-24 UNDER 35 U.S.C. §102(b)**

The Examiner rejected claims 1, 12-14 and 22-24 under §102(b) as being anticipated by Murakami. *See* Office Action page 6. The Applicants respectfully traverse this rejection.

Anticipation under §102(b) requires that each and every claim limitation be disclosed by the prior art reference. *See* MPEP §2131. As a result of this paper, claim 1 includes the limitation that the mounting bracket includes a pair of attachment plates for engaging opposing surfaces of an inflatable curtain. Claim 12 has been canceled. However claims 13-14 and 22-24 as originally presented included that limitation. The device disclosed in Murakami is a through anchor for receiving and supporting a seat belt. *See* column 3, lines 59-61. Murakami does not disclose that the through anchor 1 or metal-made fixing member 7 can engage an inflatable curtain. Rather, Murakami discloses a webbing slot 5 through which webbing extends, which cannot engage an inflatable curtain like a pair of attachment plates. *See* Figures 1, 3; column 3, lines 60-61.

Furthermore, the Examiner cited reference numerals 6 and 7 of Murakami (Figure 1) as being a pair of attachment plates “capable of receiving a curtain between them if desired.” *See* Office Action page 7. However, reference numeral 6 provides a resin-made cover to cover the inboard side of the metal-made fixing member (reference numeral 7). *See* Murakami, column 4, lines 12-16. The resin-made cover could not be construed to be an attachment plate for engaging something in combination with the metal-made fixing member because no additional structure is



provided in Murakami to suggest its use as an attachment plate. One is only left to guess the function of the cover by correlation with another resin covering shown as reference numeral 3 in Figure 1 of Murakami. The latter resin covering is employed to prevent an occupant from contacting any projections from the device and for aesthetic reasons (i.e., it serves merely as a covering and not an attachment plate). *See* Murakami, column 3, line 67 to column 4, line 6. Consequently, Murakami does not provide an enabling disclosure to construe the resin-made cover (reference numeral 6) as an attachment plate as defined in the present application, or the resin-made cover/fixing member combination as a pair of attachment plates. Withdrawal of this rejection is respectfully requested.

**REJECTION OF CLAIMS 25, 31-33, AND 37-39 UNDER 35 U.S.C. §103(a)**

The Examiner rejected claims 25, 31-33, and 37-39 under 35 U.S.C. §103(a) as being unpatentable over Murakami in view of Mautsch. *See* Office Action page 8. The Applicants respectfully traverse this rejection.

According to MPEP §2143.03, to establish a *prima facie* case of obviousness, “all of the claim limitations must be taught or suggested by the prior art.” (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (C.C.P.A. 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP §2143.03 citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claims 25, 31-33, and 37-39 as originally presented include the limitation that the mounting bracket includes a pair of attachment plates for engaging opposing surfaces of an inflatable curtain. As discussed, *supra*, this limitation is not taught or disclosed by either Murakami or Mautsch. Therefore, the combination of Murakami and Mautsch does not render these claims *prima facie* obvious under §103(a). Withdrawal of this rejection is respectfully requested.

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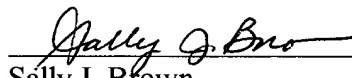
### **NEW CLAIMS 48-51**

New claims 48-51 have been added. These claims have support in the specification and do not constitute new matter. Support for claim 48 can be found in the specification page 8, lines 11-21, page 9, lines 15-19, and page 10, lines 9-14. Support for claim 49 can be found on page 9, lines 1-14. Support for claim 50 can be found on page 10, lines 2-7. Support for claims 51 can be found on page 9, lines 14-16. The above referenced sections of the specification supporting new claims 48-51 are not meant to be exhaustive. Other areas of the application also provide further support for new claims 48-51.

### **CONCLUSION**

In view of the foregoing, the Applicants submit that claims 1-51 are in condition for allowance. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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